

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on December 5, 2016.

Present: Hon. Karla Moskowitz, Justice Presiding,
Paul G. Feinman
Judith J. Gische
Barbara R. Kapnick
Ellen Gesmer, Justices.

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Joseph Brunner, Abraham Mandel;
Jbam Realty LLC,
Plaintiffs-Respondents,

-against-

The Estate of Chaim Lax, Deceased,
Defendant-Appellant,

Diamond Dynamics, LLC,
Defendant-Appellant,

Moshe Lax, as Executor of the Estate
of Chaim Lax, et al.,
Defendants,

E. Dogwood LLC, Prudence LLC
and Silence LLC,
Non-Party Movants.

M-4033A
M-4029
Index No 651013/14

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Appeals having been taken by defendant, The Estate of Chaim Lax, from orders of the Supreme Court, New York County, entered on or about July 21, 2016 and August 9, 2016,

And, interim orders having been granted by a Justice of this Court dated August 10, 2016, staying that part of the July 21, 2016 order which directed Morrison Cohen to produce certain documents as set further in the order,

And, defendant-appellant, The Estate of Chaim Lax, having moved to stay all proceedings in Supreme Court, pending determination of the appeal, to the extent that The Estate's attorneys are required to produce financial documents of the non-parties to the July 21, 2016 discovery order,

And, non-party movants, E. Dogwood LLC, Prudence LLC and Silence LLC, having moved for leave to appeal to this Court from the order of Supreme Court, New York County, entered on or about August 9, 2016, and said application having been denied by order of a Justice of this Court, dated December 5, 2016. See M-4033, decided simultaneously herewith,

And, non-party movants, having also moved for a protective order staying the July 21, 2016 discovery order to the extent that such order compels the disclosure of information concerning the non-parties and directing other relief, pending the determination of the appeal,

Now, upon reading and filing the papers with respect to the motions, and due deliberation having been had thereon, it is

Ordered that the motions are denied. The interim orders dated, August 10, 2016, are vacated. See M-4033, decided simultaneously herewith.

ENTER:



CLERK

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Karla Moskowitz
Justice of the Appellate Division
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Joseph Brunner, et al.
Plaintiffs-Respondents,

M-4033
Index No.: 651013/14

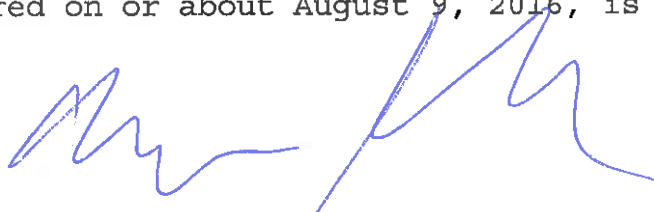
-against-

The Estate of Chaim Lax, deceased,
Moshe Lax, as executor of the
Estate of Chaim Lax, et al.
Defendants-Appellants,

-and-

E. Dogood LLC, Prudence LLC and
Silence LLC,
Nonparties-Appellants.
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I, Karla Moskowitz, a Justice of the Appellate Division,
First Judicial Department, do hereby certify that in the
proceedings herein, the application of nonparties E. Dogood
LLC, Prudence LLC, and Silence LLC for an order under CPLR 5516
and 5701(c) granting leave to appeal the order of the Supreme
Court, New York County, entered on or about August 9, 2016, is
denied.



Hon. Karla Moskowitz
Associate Justice

Dated: November 4, 2016
New York, New York

ENTERED DEC 05 2016